1941

File No. O. Gambling/41

K

Legal DEPARTMENT

A BRANCH

Subject:—

Opinions under the Bombay Prevention of Gambling Act 1887.

P-2

File No. O. Gambling/41

Std. Sectt. Slip 24 B e.

302-A

C O N T E N T S.

Legal Department File No. C. Gambling / 41.

S.No.	Compilation no.	Subject	Pages.
		Opinions under the Bombay Prevention of Gambling Act, 1889.	
1.	C.No. 4368 13-6-1941.	S. 13 — Whether S.13 only aims at the players who take actual part in a game.	1 - 2.

M.V.V.
24/4.

YB 21/4

SMD 25/4

Office of the R.I.A.

The view of the Sessions Judge that section 12 of the Bombay Prevention of Gambling Act, 1887 only aims at the players who take actual part in a game is not correct. Under section 12(a) any person found gaing or reasonably suspected to be gaming in any public street or thoroughfare or in any place to which the public have or permitted to have access etc. is liable to a penalty. In section 3, which is the derining section, it is stated that gaming includes wagering or betting. By the amending Act (Bombay Act) of 1936 the following words were inserted in the definition:

" The collection or soliciting of bets, receipt or distribution of winnings or prizes in money or otherwise in respect of wagering or betting or any act which is intended to aid or facilitate wagering or betting or such collection soliciting receipt or distribution shall be deemed to be gaming."

It is therefore clear that to constitute an offence under section 12(a) it is not necessary that the accused should take actual part in the game but it is sufficient if he has done any ancillary and accessary act as stated in the Amending Act (Bombay Act I) of 1936. The view taken by the Secretary, Home Department appears to be correct.

Sd/-
12-5.
Remembrancer of Legal Affairs.

U.R. to H.D. No.4369, dated the 13th. May 1941.

M.W.V.
24/4.